

III. REMARKS

RESPONSE TO OBJECTIONS

In the Claims:

- Claim Objections under 37 CFR §1.75(c)

- The Examiner's Position:

The Examiner at point 3 has objected to Claim 18 under 37 CFR §1.75(c) "as being of improper dependent form for failing to further limit the subject matter of a previous claim." The Examiner has required the Applicant to "cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form."

- The Applicant's Response:

The Applicant respectfully traverses the Examiner's objection, and while maintaining the patentability of such claim, amends the claim to rewrite it in independent form in accord with the Examiner's request in order to expedite early allowance. Applicant respectfully reverses the right to seek such claim in any continuation application or any other application which may claim priority to or through the present application.

RESPONSE TO ALLOWABLE SUBJECT MATTER

- The Examiner's Position:

The Examiner at point 4 has allowed claims 8 – 17, 19 – 21 and 26 – 31.

- The Applicant's Response:

Applicant respectfully extends appreciation for the allowance of claims 8 – 17, 19 – 21 and 26 – 31. As claim 18 has been rewritten in independent form, in accord with the Examiner's requirement at point 3, Applicant asserts that claim 18 is also allowable.

**COMMENT ON THE EXAMINER'S STATEMENT OF REASONS
FOR ALLOWABLE SUBJECT MATTER**

• **The Examiner's Position:**

The Examiner states at point 4: "The following is a statement for the indication of allowable subject matter: the claims are directed at a computer-assisted method for recoding an identity of the purchaser when the purchaser buys an item at retail establishment. As show in previously cited references, recording sales transaction in a retail setting is generally known in the art. However, the cited references, taken alone or in combination, fails to teach or suggest a particular method wherein the unique identity of the item (not the kind of an item) is associated with the purchaser and recorded in the database as set forth in the claims. The records in the database can also be shared among the retailers."

• **The Applicant's Response:**

The Applicant respectfully notes that the Examiner's statement in regard to purchasing at a retail establishment, of course, applies only those claims reciting purchase at a point of retail sale, for example claim 8. Applicant submits that the patentability of the other claims finds support in their limitations as discussed in the Appeal brief filed February 13, 2004.

**COMMENT ON THE EXAMINER'S CITATION TO ART MADE OF
RECORD BUT NOT RELIED UPON**

• **The Examiner's Position:**

The Examiner at I recites art made of record and not relied upon. The Examiner suggests that Applicant carefully review the art.



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- **The Applicant's Response:**

The Applicant has reviewed such art, and does not find it to affect patentability of the claims.

CONCLUSIONS

In view of the above, the Examiner's allowance of claims 8 – 1, 19 – 21 and 26 – 31 in the Office Action, and Applicant having amended herein claim 18 in accord with the Examiner's requirement set forth at point 3 of the Office Action, Applicant asserts that all claims pending in the application are allowable. An early notice of allowance is earnestly sought.

Respectfully Submitted,

Date: July 7, 2004



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